

Senate Bill No. 41

Passed the Senate February 5, 2007

Secretary of the Senate

Passed the Assembly February 1, 2007

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

SB 41, Battin. Taxation: California Fallen Firefighters Assistance Tax Clarification Act of 2006.

The Corporation Tax Law exempts certain organizations from taxation, as provided.

This bill would provide that payments made by an exempt organization, as defined, on or after October 26, 2006, and before June 1, 2007, to any family member of a firefighter who died as a result of the October 2006 Esperanza Incident fire in Southern California would be treated as payments made in furtherance of the charitable purpose of that organization.

This bill would make a legislative finding and declaration relating to the public purpose served by the bill.

This bill would take effect immediately as a tax levy.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the California Fallen Firefighters Assistance Tax Clarification Act of 2006.

SEC. 2. (a) For purposes of Part 10 (commencing with Section 17001), Part 10.2 (commencing with Section 18401), and Part 11 (commencing with Section 23001) of the Revenue and Taxation Code, payments made on behalf of any firefighter who died as a result of the October 2006 Esperanza Incident fire in Southern California to any family member of such firefighter by an organization described in paragraph (1) or (2) of Section 509(a) of the Internal Revenue Code shall be treated as related to the purpose or function constituting the basis for that organization's exemption under Chapter 4 (commencing with Section 23701) of Part 11 of the Revenue and Taxation Code if the payments are made in good faith using a reasonable and objective formula which is consistently applied.

(b) Subdivision (a) shall apply only to payments made on or after October 26, 2006, and before June 1, 2007.

SEC. 3. The Legislature finds and declares that the enactment of this act and the retroactive application provided by Section 2 of this act are necessary for the public purpose of providing relief under California law, by treating payments made by an organization to any family member of any firefighter who died as a result of the Esperanza Incident fire in Southern California as payments made in furtherance of the charitable purpose of that organization in order to prevent the loss of that organization's tax-exempt status.

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

Approved _____, 2007

Governor